

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Communications Assistance for)	ET Docket No. 04-295
Law Enforcement Act and)	
Broadband Access and Services)	RM-10865

Comments of Subsentio, Inc.

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COMMENTS OF SUBSENTIO, INC.

Subsentio, Inc. submits its comments through the undersigned and pursuant to the Federal Communications Commission's (FCC's or Commission's) First Report and Order and Further Notice of Proposed Rulemaking in the matter of Communications Assistance for Law Enforcement Act and Broadband Access and Services.

BACKGROUND

Subsentio, Inc. is a system's integration and consulting firm that focuses on building secure broadband networks, particularly in rural areas. The company's founder and its staff have many years of experience representing Lawful Intercept (LI) and Network Security solutions for the leading Manufacturers and Service Bureau companies in the industry. It has consulted on intercept solutions for law enforcement agencies, telecommunication switch manufacturers, and wireless and wire line service providers that range in size from millions of subscribers to rural telephone companies with 2,000 subscribers or less. As a result, Subsentio has a unique perspective on the CALEA issues for emerging technologies facing rural service providers.

CLOSING SECURITY HOLES IN RURAL TELECOMMUNICATION NETWORKS

Subsention commends and supports the FCC for the work it has done in the First Report and Order and Further Notice of Proposed Rulemaking which continues to close the nation's security holes for electronic surveillance. We particularly laud the commission for using the Substantial Replacement Provision to clarify the definition of a "Telecommunication Carrier" as defined by Congress. The interpretation of Congressional intent has always helped guide the telecommunications industry and it will guide our recommendations as shown below for rural service providers.

All of the consistent efforts by the FCC leading to this Order however is incomplete if rural service providers are exempt from providing Law Enforcement Agencies (LEA's) the ability to monitor criminal and terrorist communications. The lack of surveillance by the Nation's LEA's in rural areas will allow criminals to communicate freely and without concern of monitoring of their activities when using the new communication infrastructure being developed in the widespread rural networks in this country.

ECONOMIC CHALLENGES OF CALEA COMPLIANCE FOR RURAL SERVICE PROVIDERS

As discussed in our previous comments, Subsentio recognizes and is concerned with the financial hardship that may be caused by forcing electronic surveillance compliance on rural service providers. It's simply not possible for a private or co-operative rural telephone company to achieve the economies of scale for CALEA requirements that larger service providers have. As shown in the cost estimates in our previous comments, the cost per subscriber for CALEA implementation for a company with a base of 2,000 customers can be more than 4,000% higher than companies with a subscriber base of 1,000,000 customers.

These economic challenges for private companies and co-operatives serving rural areas are not new. It is why Congress established the concept of universal service in the Communications Act of 1934. This landmark telecommunications policy called for "making available, so far as possible, to all the people of the United States a rapid, efficient, nationwide and worldwide wire and radio communication service with adequate facilities at reasonable charges..." in a regulated environment. Congress reconfirmed this commitment to supporting rural service providers by continuing universal service funding in a regulated environment when it passed the Telecommunications Act of 1996.

MAINTAINING REGULATION FOR RURAL SERVICE PROVIDERS

Rural service providers are faced with a perfect storm of needing to replace their old obsolete infrastructure with new Internet Protocol (IP) based equipment without the benefits of the long term policy that supported them in a regulated environment since 1934. This financial quandary has created a technological chasm that is difficult to cross. The struggle rural service providers have over funding CALEA compliance is just one example of the difficulties created by a policy that does not continue to support a regulated environment for rural service providers, regardless of technology.

Subsention urges the FCC to support universal service type funding and regulation of the rural service provider as it has since its inception in 1934. This would mean regulation of voice communications but only for those companies that are currently protected by the laws Congress passed to support rural areas with "...adequate facilities at reasonable charges..."

If a rural service provider ventures out of their regulated areas as some have with CLEC and/or ISP operations, they should comply with the First Report and Order and Further Notice of Proposed Rulemaking in a competitive environment.

FUNDING ELECTRONIC SURVEILLANCE IN RURAL AREAS

Balancing our National security needs for electronic surveillance in rural areas with the financial burdens it implies for rural service providers can best be handled by first reaffirming Congressional commitment to a regulatory policy that continues to protect rural service providers and then supporting that policy with financial support.

Funding can be modeled in multiple ways through small fees that resemble the basic concept of the universal service fund. As described in our previous comments, Subsentio would support a nationwide tax of \$.01/per subscriber/month or less if it was spread across all ISP and/or VoIP subscribers nation wide.

CONCLUSION

The population base that rural service providers serve is small and in remote areas of the country. Yet its' those citizens that are the backbone of food supply, mineral resources, and other infrastructure critical to the well being of the United States. Communications in these areas is part of that critical infrastructure that supports this backbone which is why the rural service providers have been protected in a regulated environment for years. That

protection and the funding that has supported it for over seventy years should continue regardless of the medium for communication for many years to come.

Respectfully submitted,

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